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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Purva R. Rajkotia
Application No. : 10/693,753
Filed : October 24, 2003
For : WIRELESS NETWORK USING SHARED TRAFFIC
CHANNEL MODE OF OPERATION FOR BROADCAST
SERVICES
Group No. : 2618
Examiner : Bobbak Safaipoor
Confirmation No. : 2440

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. § 1.705(b)

The Applicant respectfully requests that the Office reconsider the patent term adjustment determination for the above-identified application. In support, the Applicant notes the following:

1. In the Notice of Allowance dated November 9, 2009, the patent term adjustment was determined to be 886 days. According to Private PAIR, the patent term adjustment was determined to be 545 days. The Applicant believes both determinations to be in error.

2. The Applicant believes the correct patent term adjustment should be calculated as 843 days.

3. This patent application was filed on October 24, 2003.
4. The first Office Action was mailed on December 15, 2006. The first Office Action was therefore issued 721 days after fourteen months from the filing date (+721 days).
5. The Applicant's response to the first Office Action was received on March 16, 2007, resulting in a deduction of one day (-1 day).
6. The three-year mark after filing is October 24, 2006. A request for continued examination was filed on August 31, 2007. As a result, the Applicant is entitled to a maximum additional adjustment of 311 days for the time between October 24, 2006 and August 31, 2007 to the extent that this time period does not overlap with other adjustments.
7. Of those 311 days, 52 days overlap with the +721 day period described in Section 4 above, and 1 day overlaps with the -1 day period described in Section 5 above. As a result, the Applicant is entitled to an additional 258 days (+258 days).
8. The Applicant's response to the October 9, 2007 Office Action was received on January 11, 2008, resulting in a deduction of 2 days (-2 days).
9. The Applicant's response to the April 14, 2008 Office Action was received on July 18, 2008, resulting in a deduction of 4 days (-4 days).
10. This application went abandoned on May 17, 2009 because the Office did not receive the Applicant's response to the November 17, 2008 Office Action. A petition to withdraw the holding of abandonment was filed on August 5, 2009 and granted on September 23, 2009. The time from May 17, 2009 to September 23, 2009 results in a deduction of 129 days (-129 days).

11. The Applicant therefore believes the correct patent term adjustment should be calculated as 843 days (721 days – 1 day + 258 days – 2 days – 4 days – 129 days).

12. In the event the Applicant's calculation is incorrect and the Applicant is entitled to a patent term adjustment greater than 843 days, the Applicant respectfully requests the Office to determine and issue the proper patent term adjustment entitled to the Applicant.

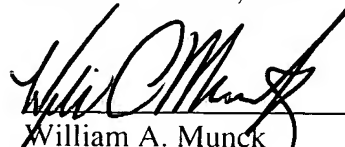
Therefore, the Applicant respectfully requests that the Office reconsider the determination of patent term adjustment and find that the Applicant is entitled to a patent term adjustment in the amount of 843 days.

If any issues arise, the Applicant respectfully invites the Office to contact the undersigned at the telephone number indicated below or at *wmunck@munckcarter.com*.

The Applicant has included the appropriate fee for this petition. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, LLP



William A. Munck
Registration No. 39,308

Date: February 9, 2010

Docket Clerk
P.O. Drawer 800889
Dallas, Texas 75380
Tel: (972) 628-3600
Fax: (972) 628-3616
E-mail: *wmunck@munckcarter.com*